

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL GINYARD,)	
)	
Petitioner,)	Civil Action No. 21-1842
)	
v.)	
)	
ATTORNEY GENERAL OF THE STATE)	
OF PENNSYLVANIA;)	
DISTRICT ATTORNEY OF ALLEGHENY)	
COUNTY; <i>and</i>)	
DAVID BOBBY,)	
)	
Respondents.)	

ORDER

AND NOW, this 20th day of January, 2023,

IT IS HEREBY ORDERED that the Report and Recommendation, ECF No. 14, is adopted as the opinion of this Court, as supplemented by the accompanying opinion.

IT IS FURTHER ORDERED that Respondents' Motion to Dismiss, ECF No. 10, is GRANTED. This case is DISMISSED and shall be marked closed.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order he must file a notice of appeal within 30 days with the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219, as provided in Rule 3 of the Federal Rules of Appellate Procedure.

Petitioner is referred to Rule 22 of the Federal Rules of Appellate Procedure and to 3d Cir. L.A.R. 22.1 for the timing requirements for applying for a certificate of appealability from the Court of Appeals (available at https://www2.ca3.uscourts.gov/legacyfiles/2011_LAR_Final.pdf).

BY THE COURT:

s/ Joy Flowers Conti
JOY FLOWERS CONTI
SENIOR UNITED STATES DISTRICT JUDGE

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

Michael Ginyard
38718068
Northeast Ohio Correctional Center
2240 Hubbard Rd
Youngstown, OH 44505

All counsel of record (*via* CM/ECF)